IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Crl.Rev.Pet.No. 449 of 2007(E)

(ARISING OUT OF THE JUDGMENT OF THE ADDITIONAL JUDGE(AD-HOC FAST TRACK COURT NO-ii, MANJERI, IN CRL.APPEAL NO.164/2004 DATED 31-05-2006 AGAINST THE JUDGMENT IN C.C NO.984/2000 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, TIRUR)

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REVN. PETITIONER:

V.M.GOPAKUMAR
S/O MADHAVAN ILLAYATH
VEMBALLUR ILLAM
THIRUNAVAYA, MALAPPURAM

BY ADV. SRI.C.V.MANUVILSAN
SRI.G.SUDHEER (THURAVOOR)

RESPONDENTS:

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1. E.VELAYUDHAN
ERANDATH HOUSE, THIRUNAVAYA AMSOM
KARATHOOR, TIRUR, MALAPPURAM

2. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY ADV. SRI.DINESH POOKAYIL
SRI.T.S.ARUNKUMAR
PUBLIC PROSECUTOR SMT. LATHA.T.THANKAPPAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR.J

Crl.R.P No.449 OF 2007

Dated this the 1st day of February 2007

ORDER

Heard. Admitted. Advocate Sri. Dinesh Pookayil takes notice for the first respondent. Public Prosecutor takes notice for the second respondent. Crl.Revision Petition itself is heard and disposed of as agreed to by both sides.

2. It is submitted by counsel on both sides that parties have settled the dispute out of court. They have filed Crl.M.A.No.1311/2007 seeking permission to compound the offence. Today I have allowed that application to compound the offence. So Crl.Revision Petition is only to be allowed.

In the result, Crl.Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of Negotiable Act are hereby set aside and he is acquitted under Section 320 (8) of Cr.P.C

K.PADMANABHAN NAIR.JUDGE

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K.PADMANABHAN NAIR.J

Crl.M.A. No.1311/2007 in Crl.R.P No.449 OF 2007

Dated this the 1st day of February 2007

ORDER

This is an application filed under Section 147 of Negotiable Instruments Act read with Section 320 of Cr.P.C seeking permission to compound the offence. Revision petitioner was found guilty of an offence punishable under Section 138 of Negotiable Instruments Act, convicted and sentenced to undergo simple imprisonment for three months and to pay compensation of Rs. 75,000/- in default to undergo simple imprisonment for two more months. The petitioner filed Crl.Appeal No.164/2004. That appeal was also dismissed. Hence the present Crl.Revision Petition is filed.

2. It is submitted by counsel on both sides that the matter has been settled out of court. Parties have filed this application seeking permission to compound the offence. Since the parties have settled the dispute and the amount involved under the cheque is paid I am of the view that it is only just and proper that permission sought for to compound the offence is granted.

In the result, Crl.M.A. is allowed. The permission sought for is granted and the offence is compounded.

K.PADMANABHAN NAIR.JUDGE

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